

Message Text

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PAGE 01 STATE 048241
ORIGIN EA-09

INFO OCT-01 ISO-00 L-03 PM-04 EB-08 CIAE-00 INR-07 NSAE-00
/032 R

DRAFTED BY AF JAG:COL. THORPE/EA/PHL:JELAKE:CMD
APPROVED BY EA/PHL;BAFLECK
ISA/EAPR - KBLEAKLEY (DRAFT)
ISA/FMRA - PEBARRINGER
L/EA - PNORTON (DRAFT)
PM/ISO - JSCOTT (DRAFT)
EB/TT/OA/AUP -SKEITER (DRAFT)
L/EB - PMICKEY (DRAFT)

-----041512Z 019488 /41

R 040252Z MAR 77
FM SECSTATE WASHDC
TO AMEMBASSY MANILA
INFO DOD/GA
CSAFCJACI
NAVY JAG WASHDC
CINCPAC
CINCPACAF
CINCPACFLT
13TH AF CLARK AB
CINCPACREPPHIL

C O N F I D E N T I A L STATE 048241

E.O. 11652: GDS

TAGS: MARR, RP, US

SUBJECT: CLARK AND SUBIC AERO CLUBS

REF: MANILA 1237

1. REFTEL REQUESTED DEPARTMENT'S COMMENTS ON APPLICATION
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OF CHICAGO CONVENTION TO AERO CLUB OPERATIONS IN PHILIP-
PINES AND PRACTICE OF ALLOWING ELIGIBLE MBA PERSONNEL TO
OBTAIN TRANSPORTATION BY TEMPORARILY JOINING AERO CLUBS.

2. NOTWITHSTANDING RECOGNITION BY PHILIPPINE AUTHORITIES
THAT AERO CLUB OPERATIONS ARE AUTHORIZED BY ARTICLE XVIII
OF MBA, PHILIPPINE AIR SPACE CAN BE UTILIZED FOR CLUB

FLIGHTS ONLY ON TERMS AND CONDITIONS APPROVED BY COMPETENT PHILIPPINE AUTHORITY, I.E., PHILIPPINE AIR FORCE.

3. TO THE EXTENT THAT RESTRICTIONS ON AERO CLUB OPERATIONS ARE DISCRIMINATORY (I.E., NOT UNIFORMLY APPLIED TO OTHER AIRCRAFT), EMBASSY SHOULD CONTINUE TO CITE ARTICLE 15 OF CHICAGO CONVENTION IN SUPPORT OF U.S. POSITION. EVEN ASSUMING APPLICABILITY OF ARTICLES 9 AND 89 OF THE CONVENTION, THESE ARTICLES DO NOT COUNTENANCE DISCRIMINATION AGAINST U.S. AIRCRAFT IN FORM OF RESTRICTIONS NOT APPLICABLE TO OTHER FOREIGN AIRCRAFT; ARTICLE 9

SPECIFICALLY FORBIDS IT. DISCRIMINATORY RESTRICTIONS BASED ON NATIONAL SECURITY ARE PARTICULARLY INAPPROPRIATE WHEN APPLIED AGAINST CLOSE ALLY.

4. SINCE ARTICLE XVIII OF MBA AUTHORIZES PROVISION OF SERVICES BY CLUBS TO U.S. FORCES MILITARY AND CIVILIAN PERSONNEL, AND THEIR FAMILIES, INCLUDING SALE OF SUCH SERVICES, REMUNERATION METHOD DESCRIBED IN REFTEL IS WITHIN U.S. RIGHTS UNDER ARTICLE XVIII. SO LONG AS MEMBERSHIP IS RESTRICTED TO PROPERLY AUTHORIZED PERSONNEL, THERE IS NO IMPROPER COMPETITION WITH PHIL CARRIERS. NONETHELESS, SINCE WE WOULD NOT WANT THIS ISSUE TO CAUSE HARDENING OF GOP POSITION ON ARTICLE XVIII IN MBA NEGOTIATIONS, IT MAY BE NECESSARY FOR USG TO ACCEPT SOME REASONABLE RESTRICTIONS ON CLUB OPERATIONS.

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Message Attributes

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